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REMARKS

Claims 1-34 are currently pending in the subject application and are presently under consideration. Claims 1, 12, 21, 25, 30, 34 have been amended as shown at pages 2-8 of the Reply.

Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

I. Rejection of Claims 1-34

Claims 1-34 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-35 of co-pending U.S. Patent Application Serial No. 09/772,231. A Terminal Disclaimer has been filed herewith in connection with the cited prior art reference by inventor Ganapathy and the subject application, which have a common assignee (Microsoft Corporation). Withdrawal of this rejection is requested.

II. Rejection of Claims 1-27 and 30-34 Under 35 U.S.C §112

Claims 1-27 and 30-34 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Independent claims 1, 12, 21, 25, 30, 34 have been amended to remove the term "substantially". Therefore, this rejection should be withdrawn.

III. Rejection of Claims 1, 2, 5-15 and 20-34 Under 35 U.S.C. §102(e)

Claims 1, 2, 5-15 and 20-34 stand rejected under 35 U.S.C. §102(e) as being anticipated by Tucker *et al.* (US Patent 5,808,911). It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. Tucker *et al.* does not teach each and every element of the subject invention as recited in the subject claims.

A single prior art reference anticipates a patent claim only if it expressly or inherently describes each and every limitation set forth in the patent claim. *Trintec Industries, Inc., v. Top-U.S.A. Corp.*, 295 F.3d 1292, 63 U.S.P.Q.2D 1597 (Fed. Cir. 2002); *See Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the ...

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claim. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

The subject invention relates to providing secure communication of messages from a user-level application or process that has direct access to communication hardware components. Applicant's claimed invention employs message keys and attributes associated with the communication components to verify authenticity of messages and secure the communications. The attribute conditions associated with the communication component are not accessible by user level processes to ensure the security of the communication system. In particular, independent claim 1 (and similarly independent claim 30) recites, *a communication component operative to store an outgoing message received directly from an associated process, the outgoing message including a message key having a key value, an attribute being associated with the communication component, the attribute having selectable attribute conditions that are inaccessible by the associated process; and a filter associated with the communication component, the filter controlling sending the stored outgoing message from the communication component based on the key value of the outgoing message and one of the attribute conditions.*

Tucker *et al.* does not teach or suggest the aforementioned novel aspects of applicant's invention as recited in the subject claims. Tucker *et al.* teaches a counting methodology for tracking object references in an object oriented computing environment. The cited reference discloses a door mechanism for securing invocation of objects. A door is a file descriptor that is protected from user-level forgery. The user level applications rely on an xdoor table that is mapped to the actual door for referencing secured objects. However, Tucker *et al.* fails to disclose a message key that is part of an outgoing message and is used for securing communications as in applicant's claimed invention. Furthermore, Tucker *et al.* is silent regarding an attribute associated with a communication component that has selectable attributes conditions. The attribute and the message key are two distinct security features - the selectable attribute conditions can be used to interpret how the message key is to be used for security. For example, if the attribute has a first condition, the message key may be interpreted in a first manner for security, and if the attribute has a second condition, then the message key may be interpreted in a second manner for security. Thus, Tucker *et al.* does not teach or suggest a filter

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associated with the communication component, the filter controlling sending the stored outgoing message from the communication component based on the key value of the outgoing message and one of the attribute conditions.

Furthermore, independent claim 12 recites *a first queue operative to store a request received directly from a first of the at least two processes and, upon validation of the stored request, to send the stored request to a second of the at least two processes, the stored request including a destination address and a key having a key value; and an interface operative to validate the stored request based on the key value of the stored request relative to at least one predetermined key value associated with the first queue, the at least one key value associated with the first queue being unavailable to the first process.* Similar to the discussion above with respect to claim 1, Tucker *et al.* fails to teach or suggest validation of a request from a first process to a second process that is stored in an intermediate queue based upon a key value in the request and one or more key values associated with the queue. The cited art does not teach or suggest that a destination address and a key value are stored within the request. Rather, the cited reference relies upon a mapping in the xdoor table to secure the object call. The object call contains an xdoor identifier which is mapped to a door identifier to complete the object call. Therefore, Tucker *et al.* fails to teach or suggest *the stored request including a destination address and a key having a key value; and an interface operative to validate the stored request based on the key value of the stored request relative to at least one predetermined key value associated with the first queue, the at least one key value associated with the first queue being unavailable to the first process.*

Moreover, independent claim 21 (and similarly independent claims 25, 28, 29 and 34) recites *a system to facilitate substantially secure communication between at least two user-level processes, comprising: storage means for storing an outgoing message received from a first of the at least two processes, the outgoing message including a message key associated with a destination, an attribute being associated with the storage means, the attribute having selectable attribute conditions unavailable to user-level processes; and control means for controlling sending of the stored outgoing message from the storage means based on the message key and one of the attribute conditions.* As discussed *supra* with respect to independent claim 1, Tucker *et al.* fails to teach or suggest any filtering of stored outgoing messages based upon a message key and one of the selectable attribute conditions associated with the storage means. As such,

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Tucker *et al.* fails to teach or suggest an *attribute having selectable attribute conditions unavailable to user-level processes; and control means for controlling sending of the stored outgoing message from the storage means based on the message key and one of the attribute conditions.*

In view of the foregoing, applicant's representative respectfully submits that Tucker *et al.* fails to teach or suggest all limitations of the subject invention as recited in independent claims 1, 12, 21, 25, 28-30 and 34 (and claims 2, 5-11, 13-15, 20, 22-24, 26-27, and 31-33 that depend there from), and thus fails to anticipate the claimed invention. Accordingly, withdrawal of this rejection is respectfully requested.

IV. Rejection of Claims 3, 4 and 16-19 Under 35 U.S.C. §103(a)

Claims 3, 4 and 16-19 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Tucker *et al.* (US Patent 5,808,911) in view of Neal *et al.* (US Patent 6,766,467). It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. Tucker *et al.* in view of Neal, *et al.* fails to teach or suggest each and every limitation of applicant's claimed invention.

To reject claims in an application under §103, an examiner must establish a *prima facie* case of obviousness. A *prima facie* case of obviousness is established by a showing of three basic criteria. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. See MPEP §706.02(j). The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. See *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

The subject claims respectively depend from independent claims 1 and 12. As noted *supra*, Tucker *et al.* does not teach or suggest each and every element of the subject invention as recited in these independent claims, and Neal *et al.* fails to make up for the aforementioned

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deficiencies of Tucker *et al.* Neal, *et al.* teaches a system method for pausing a send queue without causing errors in other queues. Neal, *et al.* fails to teach or suggest any keys or attributes used for security of communications as recited in independent claims 1 and 12. Therefore, withdrawal of this rejection is respectfully requested.

CONCLUSION

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [MSFTP185US].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicant's undersigned representative at the telephone number below.

Respectfully submitted,

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